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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA - LAFAYETTE DIVISION

GOLDMAN SACHS BANK USA,

Plaintiff,

v.

MICHEL B. MORENO, TIFFANY C.
MORENO, MBM 2011 DOH GRANTOR
RETAINED ANNUITY TRUST, TCM 2011
DOH GRANTOR RETAINED ANNUITY
TRUST, MBM 2011 MGH GRANTOR
RETAINED ANNUITY TRUST, TCM 2011
MGH GRANTOR RETAINED ANNUITY
TRUST, MORENO PROPERTIES TWO,
L.L.C., AND NICHOLSON ESTATES,
L.L.C.,

Defendants.

CIVIL CASE NO. 15-2018

JUDGE REBECCA F. DOHERTY

MAGISTRATE JUDGE C. MICHAEL HILL

ORDER

Considering the *Motion to Maintain Executory Proceeding, to Reconsider the Court's Ruling, and for Writ of Seizure and Sale* filed herein by Goldman Sachs Bank USA (the

“Plaintiff” or the “Mortgagee”), as well as the verified complaint for executory process with the benefit of appraisal (the “Verified Complaint”):¹

IT IS ORDERED that the Motion is **GRANTED**.

IT IS FURTHER ORDERED that a writ of execution or seizure and sale issue, or any other applicable order and/or instruction, directing the U.S. Marshal’s office for the Western District of Louisiana to seize and, after due advertisements, delays and requisite formalities, sell at public auction, with benefit of appraisal, to the highest bidder for cash, the Port Road Property (as defined in the Verified Complaint) located in the City of New Iberia, Parish of Iberia. A legal description of the Port Road Property is attached to the Writ of Seizure and Sale as Exhibit A.

IT IS FURTHER ORDERED that a writ of execution or seizure and sale issue, or any other applicable order and/or instruction, directing the U.S. Marshal’s office for the Middle District of Louisiana to seize and, after due advertisements, delays and requisite formalities, sell at public auction, with benefit of appraisal, to the highest bidder for cash, the Nicholson Estate Property (as defined in the Verified Complaint) located in Baton Rouge, East Baton Rouge Parish. A legal description of the Nicholson Estate Property is attached to the Writ of Seizure and Sale as Exhibit B.

IT IS FURTHER ORDERED that the Nicholson Estates Property and the Port Road Property shall be sold to pay and satisfy Plaintiff’s claim (the “Indebtedness”), as follows:

1. Principal in the amount of \$ 47,401,003.16;
2. Accrued interest in the amount of \$ 11,464,099.79;

¹ Unless otherwise defined herein, all capitalized terms have the same meaning ascribed to them in the Verified Complaint (Rec. Doc. No. 1).

3. After June 15, 2015, interest will continue to accrue on the principal balance due, as described in the Loan Documents, until paid;
4. Reasonable attorneys' fees for collecting the amounts due and owing under the Loan Documents; and,
5. All costs of these proceedings and for any additional sums authorized by the Loan Documents that may become due to the Plaintiff until the U.S. Marshal's sale.

IT IS FURTHER ORDERED that the Plaintiff shall be permitted to bid the aforesaid amounts as a credit bid at the U.S. Marshal's sales of the Nicholson Estates Property and the Port Road Property, and that out of the proceeds of the sales, the Plaintiff shall be paid the amount of its claim by preference and priority over all other persons.

IT IS FURTHER ORDERED that the Goldman Sachs releases and holds harmless and indemnifies the U.S. Marshals' Service, its agents, servants, employees, and all others for whom they are responsible from any and all liability or responsibility for claims arising out of the care and custody of the Nicholson Estates Property and the Port Road Property.

IT IS FURTHER ORDERED that should the proceeds of any U.S. Marshal sale be insufficient to satisfy the Indebtedness in full, the Plaintiff shall reserve its right to collect any deficiency against any Borrower, or any co-maker of the Note or the Obligations (as those terms are defined in the Verified Complaint).

Lafayette, Louisiana, this 15 day of September 2015.



U.S. DISTRICT JUDGE

NOT SENT
DATE 9-16-15
BY CS
TO USMS 3cc